

MB 04-261

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*U.S. House of Representatives
Committee on Energy and Commerce
2125, Rayburn House Office Building
Washington, D.C. 20515*

RECEIVED

March 5, 2004

AUG - 2 2004

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

Dear Chairman Powell:

During recent hearings, several members of the House Subcommittee on Telecommunications and the Internet raised concerns regarding the harmful impact of violent video programming upon children. Our Committee has a long history of interest on this question dating back to hearings before the House Committee on Interstate and Foreign Commerce in 1952. Although the Federal Communications Commission has long-established regulations and policies governing indecent broadcast programming, a similar regime does not exist with regard to violent broadcast television programming that is harmful to children. Accordingly, we request that you commence, within 60 days of receipt of this letter, a Notice of Inquiry on the issue of excessively violent broadcast television programming and its impact upon children. The Notice of Inquiry should include a request for comment on the following issues:

1. The harm that excessively violent programming has upon children.
2. The negative effects on children caused by the cumulative viewing of excessively violent programming.
3. Whether it would be in the public interest for the Commission to formulate a definition of "excessively violent programming that is harmful to children."
4. Whether there are any constitutional limitations on the Commission in defining "excessively violent programming that is harmful to children," or in constraining or prohibiting broadcast of such material during hours when children are likely to be a significant part of the broadcast viewing audience.
5. How the Commission might define "excessively violent programming that is harmful to children," and how it might restrict broadcast of that programming during the hours when children are likely to be a substantial part of the viewing audience, so that it might supplement the television ratings system, such as by creating time of day restrictions and measures that facilitate a consumer's use of the television ratings system.
6. Whether the Commission has the authority to act on its own to constrain or prohibit the broadcast of excessively violent programming that is harmful to children during hours when children are likely to be a substantial part of the

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The Honorable Michael K. Powell
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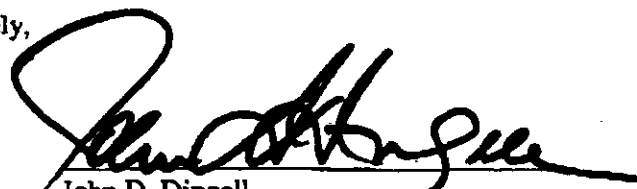
viewing audience, or whether Congress would need to provide the Commission with the statutory authority to do so, and whether Congress could provide the FCC with that authority in a constitutional fashion.

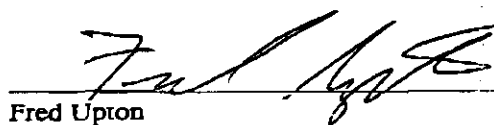
In addition, please submit a report to this Committee by January 1, 2005, on the results of your inquiry. Such a report should discuss those factors detailed above. In addition, we ask that you discuss:

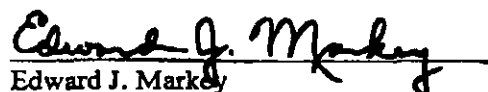
1. Whether the Commission could formulate a definition of "excessively violent programming that is harmful to children," and constrain or prohibit the broadcast of such programming during hours when children are likely to be a substantial part of the viewing audience, in a constitutional manner. Please address whether the definition and regulations could be crafted in a way that is appropriately tailored to the governmental interests they are intended to achieve.
2. Whether the Commission has determined that it would be in the public interest for the Commission to formulate such a definition and regulations.
3. If so, what proposed definition and measures would be best suited, and most likely to be sustained in court, for constraining or prohibiting the television broadcast of "excessively violent programming that is harmful to children."

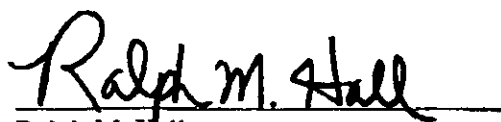
Sincerely,


Joe Barton
Chairman


John D. Dingell
Ranking Member


Fred Upton
Chairman
Subcommittee on Telecommunications
and the Internet


Edward J. Markey
Ranking Member
Subcommittee on Telecommunications
and the Internet


Ralph M. Hall

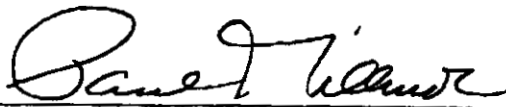

Edolphus Towns

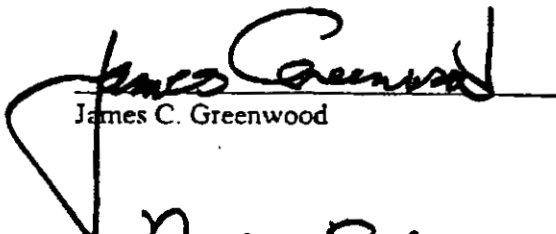

Michael Bilirakis



Bart Gordon


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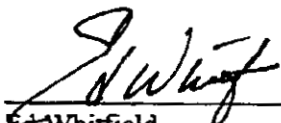

Cliff Stearns


Paul E. Gillmor



James C. Greenwood

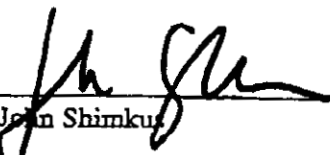

Nathan Deal

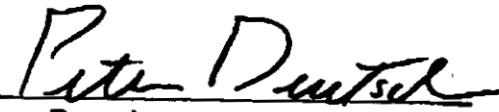

Richard Burr

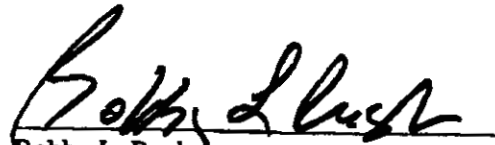

Ed Whitfield

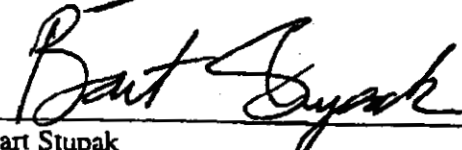

Charlie Norwood

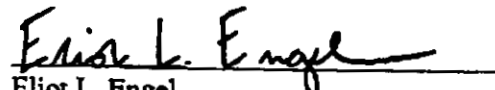

Barbara Cubin

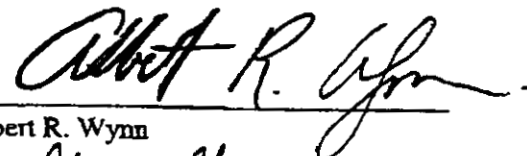

John Shimkus

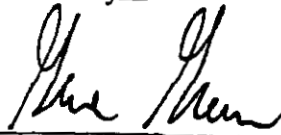

Peter Deutsch

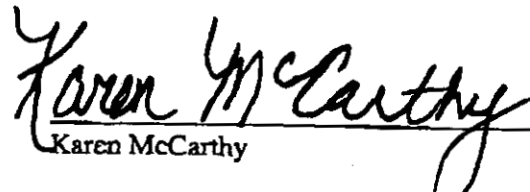

Bobby L. Rush



Bart Stupak


Eliot L. Engel


Albert R. Wynn


Gene Green


Karen McCarthy

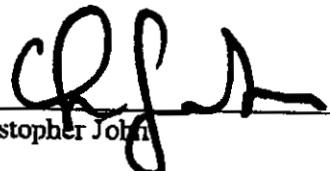

Diana DeGette

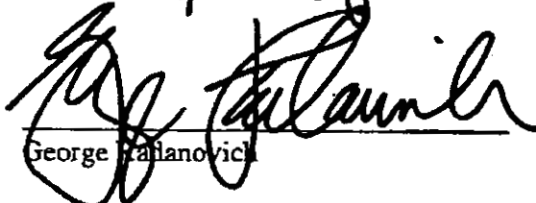

Michael F. Doyle

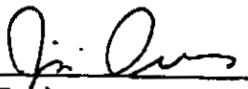
The Honorable Michael K. Powell

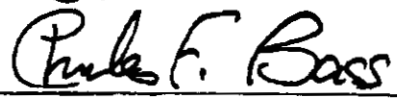
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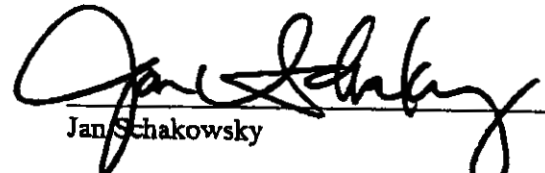

Charles "Chip" Pickering

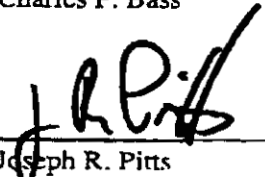

Christopher John


George Gallanovich


Jim Davis



Charles F. Bass

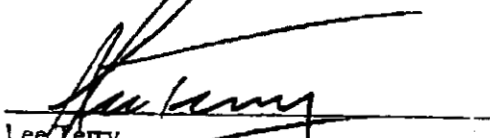

Jan Schakowsky



Joseph R. Pitts

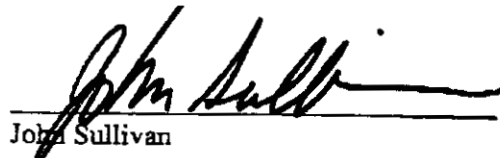

Hilda L. Solis


Mary Bono


Charles A. Gonzalez


Lee Terry


Mike Rogers


John Sullivan

cc: Commissioner Kathleen Abernathy
Commissioner Kevin Martin
Commissioner Michael Copps
Commissioner Jonathan Adelstein